

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL ZWEBNER,

Plaintiff,

V.

JOHN DOES ANONYMOUS
FOUNDATION, INC., a _____
corporation, and Does 1
through 100,

Defendants.

Civil No. 00-1322-HU

OPINION

KING, Judge.

Magistrate Dennis J. Hubel filed an Opinion and Order (#33) on February 28, 2001. On March 12, 2001, plaintiff Michael Zwebner filed objections to the Opinion and Order. Les L. French, appearing as a *pro se* defendant, filed a response to plaintiff's objections on March 27, 2001.

The matter is now before me pursuant to Fed. R. Civ. P. 72(a). Under that rule, I must consider the objections and modify or set aside any portion of the Opinion and Order (which addresses only nondispositive matters) that I find to be clearly erroneous or contrary to law.

Plaintiff objects to the portion of the Opinion and Order that addresses plaintiff's motion to strike the Answer filed by French and the portion that allows French's motion to amend the Answer. Plaintiff objects to French filing (or amending) the Answer because he is not named as a defendant in the caption of the case. Judge Hubel concluded that French could voluntarily appear and answer as

1 the John Doe identified in plaintiff's Complaint as "Internetzorro."

2 Having given a *de novo* review of the issues discussed in the Opinion and Order, and
3 considered plaintiff's objections to the Opinion and Order, I find no clear error, especially given the
4 lack of case law directly on point. Given French's insistence that he is, in fact, "Internetzorro," and
5 that plaintiff identified in his Complaint a particular John Doe as "Internetzorro," plaintiff has essentially
6 named French as a defendant. Accordingly, I do not modify or set aside any portion of the Opinion
7 and Order (#33).

8 DATED this 4th day of April, 2001.

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10 /s/
Garr M. King
United States District Judge
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